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11 United States of America

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8 IN THE UNITED STATES DISTRICT COURT  
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10 EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,

12 Plaintiff,

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14 MICHAEL DAVID BRACE,

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16 v.  
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18 Defendant.

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CASE NO. 1:21-CR-00055-NONE-SKO

STIPULATION BETWEEN THE UNITED STATES  
AND DEFENDANT REGARDING PRODUCTION  
OF PROTECTED INFORMATION; PROTECTIVE  
ORDER RE: SAME

WHEREAS, the discovery in this case contains private personal information regarding third parties, including but not limited to their names, dates of birth, physical descriptions, telephone numbers, and/or residential addresses, along with information about ongoing undercover operations regarding the enticement and exploitation of minors (“Protected Information”); and

WHEREAS, the parties desire to avoid both the necessity of large-scale redactions and the unauthorized disclosure or dissemination of this information to anyone not a party to the court proceedings in this matter;

The parties agree that entry of a stipulated protective order is therefore appropriate.

THEREFORE, defendant MICHAEL DAVID BRACE, by and through his counsel of record, Roger T. Nuttall, Esq. (“Defense Counsel”), and the United States of America, by and through Assistant United States Attorney Laura D. Withers, hereby agree and stipulate as follows:

1. This Court may enter a protective order pursuant to Rule 16(d) of the Federal Rules of Criminal Procedure, and its general supervisory authority.

1       2. This Order pertains to all discovery provided to or made available to Defense Counsel as  
2 part of discovery in this case (hereafter, collectively known as “the discovery”).

3       3. By signing this Stipulation and Protective Order, Defense Counsel agrees not to share any  
4 documents or other information that contain Protected Information with anyone other than Defense  
5 Counsel’s attorneys, designated defense investigators, designated defense experts, and support staff.  
6 Defense Counsel may permit the defendant to view unredacted documents or other information in the  
7 presence of his attorneys, defense investigators, and/or support staff. The parties agree that Defense  
8 Counsel, defense investigators, and support staff shall not allow the defendant to copy Protected  
9 Information contained in the discovery. The parties agree that Defense Counsel, defense investigators,  
10 and support staff may provide the defendant with copies of documents or other information, if any, from  
11 which Protected Information has first been redacted.

12       4. The discovery and information therein may be used only in connection with the litigation  
13 of this case and for no other purpose. The discovery is now and will forever remain the property of the  
14 United States of America (“Government”). Defense Counsel will return the discovery to the  
15 Government or alternatively keep it archived within its sole possession at the conclusion of the case.

16       5. Defense Counsel will store the discovery in a secure place and will use reasonable care to  
17 ensure that it is not disclosed to third persons in violation of this agreement.

18       6. Defense Counsel shall be responsible for advising the Defendant, employees, and other  
19 members of the defense team, and defense witnesses of the contents of this Stipulation and order.

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7. In the event that Defendant substitutes counsel, undersigned Defense Counsel agrees to return the discovery to the Government, or, at the request of government counsel, to forward it to new counsel after new counsel has confirmed to government counsel in writing his or her agreement to the terms of this Order.

## IT IS SO STIPULATED.

Dated: 02/26/2021

By: /s/ Roger T. Nuttall  
Roger T. Nuttall, Esq.  
Attorney for Defendant  
Michael David Brace

Dated: 02/26/2021

McGREGOR W. SCOTT  
United States Attorney

By: /s/ Laura D. Withers  
Laura D. Withers  
Assistant U.S. Attorney

## ORDER

IT IS SO ORDERED.

Dated: March 1, 2021

[S] Sheila K. Oberto

## UNITED STATES MAGISTRATE JUDGE